

# SENATE STATE GOVERNMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 701**

with committee amendments

# STATE OF NEW JERSEY

DATED: FEBRUARY 5, 2004

The Senate State Government Committee reports favorably and with committee amendments Senate, No. 701.

The purpose of this bill is to implement portions of the federal "Help America Vote Act of 2002," Pub.L.107-252, signed into law in October 2002.

Specifically, the bill:

(1) establishes the Federal Elections Assistance Fund, for the purpose of receiving all State allocated funds and federal funds authorized pursuant to the federal law;

(2) establishes an administrative grievance procedure for voters who believe their rights under Title III of the federal act have been or will be violated;

(3) requires the Attorney General to issue reports on the progress of the implementation of the "Help America Vote Act of 2002" in the State to the Governor, the Senate President, Senate Minority Leader, Speaker of the General Assembly, and Assembly Minority Leader;

(4) establishes additional voter identification requirements for persons who have registered to vote by mail after January 1, 2003 and seeking to vote for the first time after so registering;

(5) amends current voter registration application forms to add questions regarding the citizenship and voting age of applicants and gives the Attorney General the authority to amend the form if necessary to conform to the requirements of federal or State law;

(6) changes the statutory designation of the chief state election official from the Secretary of State to the Attorney General, consistent with Governor Whitman's Reorganization Plan No.004-1998;

(7) permits any voter who is a mail-in registrant voting for the first time following registration, and voting by provisional ballot because the voter did not provide the required personal identification information at the time of registration, to be given until the close of business on the second day after the election to provide such information;

(8) designates the Division of Elections in the Department of Law and Public Safety as the single State office to provide information to military service absentee voters and requires it to make available

military service voter registration and absentee ballot applications and overseas Federal election voter registration and ballot applications;

(9) allows applications for military service ballots to remain active for two regularly scheduled general elections for federal office that occur after the request for such ballots is made;

(10) provides that applications for military service ballots may not be refused on the grounds that they were submitted too early;

(11) prohibits the use of punch card and mechanical lever voting machines after January 1, 2006, and removes references to such machines in existing law, provided the State receives a waiver in accordance with section 303 of the "Help America Vote Act of 2002;" and

(12) provides that a free-access system be established for provisional voters and absentee ballot voters to ascertain whether or not their votes were accepted for counting.

The committee adopted an amendment to the bill to require the Attorney General to issue a report on the progress of the implementation of the "Help America Vote Act of 2002" in the State to the Governor, the Senate President, Senate Minority Leader, Speaker of the General Assembly, and Assembly Minority Leader. The report is to be issued quarterly in the first year, with the first report due on July 1, 2004, and issued biennially thereafter.

The committee also amended the bill to correct several technical errors, including ambiguous and missing wording in amendatory language and an incorrect internal reference to supplementary sections of the bill.